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Counsel for Defendant  
JERMAINE EARNEST

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

JERMAINE EARNEST,

DEFENDANT.

CR 4-14-71233 MAG

STIPULATION TO CONTINUANCE AND  
EXCLUSION OF TIME UNDER THE SPEEDY  
TRIAL ACT, 18 U.S.C. § 3161 ET. SEQ.;  
~~PROPOSED~~ ORDER

IT IS HEREBY STIPULATED, by and between the parties to this action, that the detention hearing date of October 17, 2014 presently scheduled at 9:30 a.m., before the Hon. Donna Kandis Westmore, be vacated and re-set for October 22, 2014, at 9:30 a.m., before the Oakland Duty Magistrate, for detention hearing.

The requested continuance is necessary because defense counsel is conducting ongoing investigation regarding potential sureties for Mr. Earnest. Defense counsel is also still reviewing discovery in this matter.

The parties agree and stipulate that the time until October 22, 2014 should be excluded,

1 under 18 U.S.C. §3161(h)(7)(A) and 18 U.S.C. §3161(h)(7)(B)(iv) because the ends of justice  
2 served by the granting of the continuance outweigh the best interests of the public and the  
3 defendant in a speedy and public trial. The continuance is necessary to accommodate counsel's  
4 preparation efforts. For these same reasons, the defendant also agrees to waive time for  
5 preliminary hearing under Federal Rule of Criminal Procedure 5.1(c) and (d), through October  
6 22, 2014.

7  
8 DATED: October 16, 2014

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/S/  
Ellen V. Leonida  
Assistant Federal Public Defender  
Counsel for Defendant JERMAINE EARNEST

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10  
11 DATED: October 16, 2014

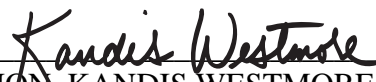
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/S/  
Brigid Martin  
Assistant United States Attorney

**ORDER**

The court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial. The continuance is necessary to accommodate counsel's preparation efforts. Based on these findings, IT IS HEREBY ORDERED THAT the above-captioned matter is continued to October 22, 2014 at 9:30 a.m., before the Oakland Duty Magistrate. Time is excluded until October 22, 2014 pursuant to 18 U.S.C. §3161(h)(7)(A) and 18 U.S.C. §3161(h)(7)(B)(iv).

IT IS FURTHER ORDERED that time is excluded under 18 U.S.C. 3161(b) and waived with the consent of the defendant under Federal Rule of Criminal Procedure 5.1(c) and (d), through October 22, 2014.

DATED: 10/16/14

  
HON. KANDIS WESTMORE  
United States Magistrate Judge